of Civil Procedure." This digest should render the task of one editing a book on code practice easy, and should make it possible for him to attain the highest degree of accuracy.

The actual merits of the editor's work can, perhaps, be ascertained only by use. However, to test the accuracy of the present work we have examined all the cases on the code decided during 1905 and 1906, and the amendments to the code in those years. We have found many errors, both of omission and commission, of which the limits of this review will not permit any extended statement. For example, the editor states that a motion to discharge an attachment must be made before final judgment, and he cites § 687 of the code in support of that proposition (p. 1258). That section was amended by the Laws of 1906, c. 507, so that such a motion is allowed after judgment. Again, he states that an action may be discontinued without the consent of the attorney (p. 1588); he fails to note in that connection that § 55 of the code provides that a party can act only through his attorney, nor does he cite the case of Kuehn *v.* Syracuse Rapid Transit Co. (104 App. Div. 580, 587) which so held on a question of discontinuance.

The following cases which have an important bearing on some of the subjects treated by the editor were not noticed. Davids *v.* Brooklyn Heights R. Co. (104 App. Div. 23; aff. 182 N. Y. 526), on the liability of a master for arrest under § 849 for assault committed by servant; Carlisle *v.* Barnes (183 N. Y. 272), holding that where the chief judge of the Court of Appeals has denied leave to appeal to that court, the party cannot get such leave from another judge; People *ex rel.* Jerome *v.* Court of General Sessions (185 N. Y. 504), holding that prohibition is the proper remedy where the Court of General Sessions is about to exceed its powers by granting a new trial; Matter of Sherril *v.* O'Brien (186 N. Y. 1), holding that an order denying a writ of *mandamus* to be appealable to the Court of Appeals must recite that the writ was not refused by the Supreme Court in the exercise of its discretion; Matter of Schroeder (113 App. Div. 221), holding that objections as to form of referee's report cannot be raised on appeal; Lawton *v.* Partridge (111 App. Div. 8), holding in an action against joint defendants a judgment against one is authorized; Lederer *v.* Lederer (108 App. Div. 228), holding that reference may be terminated when the referee files an invalid report (this case is cited by the editor (p. 1878), but not for this proposition); Jones *v.* Fuchs (106 App. Div. 260), holding that a court has no power to extend the time to serve summons in a case where an attachment is made; Ross *v.* Metropolitan St. Ry. Co. (104 App. Div. 378), on the motion for a new trial; Frick *v.* Freudenthal (45 Misc. 348), holding that an allegation as to fraud cannot be regarded as surplusage.

The editor would have added greatly to the value of the present edition if he had indicated in an introductory chapter the changes in the code in the past twenty years. He has, moreover, failed to add a table of cases; an unpardonable omission in a modern law book. Nor has he stated that he has not continued Mr. Abbott's plan of citing the cases in other states than New York.

S. J. R.

SUITS IN CHANCERY. By Henry R. Gibson. Second Edition. Knoxville, Tenn.: Gaut-Ogden Company. 1907. pp. xx, 1203. 8vo.

The title of this volume is not only descriptive of its scope, but is highly characteristic in its conciseness and comprehensiveness of the work itself and of the author. In 1891 Judge Gibson, with a mind enriched with learning and ripened with years of experience in the practice and upon the bench of the chancery courts of Tennessee, appreciating the needs of a guide to chancery practice for use by Tennessee lawyers, put forth his first edition of this work. The volume was promptly accepted according to its real worth as an authority, has continued to hold its rank, and has become, more than a mere convenience, an absolute necessity to every Tennessee lawyer.

If it were possible to improve upon the perfect it might well be said that

Judge Gibson has accomplished this impossible task in preparing his second edition. He has made many substantial changes, has eliminated the few errors, if such there were, that crept into the work as it was first published, has rewritten many portions thereof, and has added many chapters and sections to cover such points as, in his desire to limit as far as possible the size of the volume, were omitted from the first edition. He has practically rewritten, with many amplifications, the chapters pertaining to injunction and attachment proceedings, and has added sections upon the subjects of reforming or rescinding written contracts, winding up partnerships, subrogation, exoneration and contribution, *quo warranto*, *quia timet* and *mandamus*, and relief under bills of discovery. The mere suggestion of these titles discloses the scope of the work, particularly if it be borne in mind that while the author has intended primarily to publish a book of practice, in order to present properly the forms and proceedings, he has found himself compelled to present and has presented in a condensed but very accurate manner many of the questions of substantive law pertaining thereto. The volume now stands before the legal public as a concise, comprehensive, and accurate discussion of the laws, and a presentation of the rules and forms of practice of substantially every phase of the many possible sorts of chancery proceedings.

While the book is framed and intended primarily as a guide to the Tennessee lawyer, with special reference to the Tennessee code, statutes, and decisions, it is nevertheless copious in its references to the works of Pomeroy, Story, Daniel, and Barbour, and by reason thereof it could not but be of value to the profession at large in its discussion of general subjects, and in the almost innumerable forms of bills, answers, motions, decrees, etc., prepared by the author. The work is in no sense intended only for the beginner, although it is of incalculable value to him, but is intended for and is accepted by the profession from the youngest to the oldest as an indispensable article of office furniture, and it fully merits this consideration. H. H.

THE PUBLIC RECORDS AND THE CONSTITUTION. By Luke Owen Pike. London: Henry Frowde. 1907. pp. 39. 8vo.

In this essay the author has traced, by a short history of the Public Records, the evolution of the form of the present English government from the Council of William the Conqueror. Its striking feature is the manner in which the parallel between development of institutions and the creation of Records is emphasized. To Mr. Pike the Records are at once the evidence and the result of growth. Thus he traces to the great survey of England made by the Commission created by William I and the Council of Gloucester, recorded in the Domesday Book, the centralization of the English Revenue. From the justices sent throughout England by Henry I he derives the present courts, and from the records of these justices in Eyre, the present Law Reports. From the great Council of Edward I he traces the present Privy Council, and the present Parliament — with their corresponding chain of records; and from the principal secretary of the King, to whom the Privy Seal was eventually confided, he derives the Principal Secretaries of State, who form such an important part of the Cabinet. At the end is an admirable diagram, in the nature of a genealogical tree, which shortly and clearly summarizes the whole.

E. H. A., JR.

THE LAW OF PRIVATE PROPERTY IN WAR. By Norman Bentwich. London: Sweet & Maxwell, Ltd. Boston: The Boston Book Company. 1907. pp. xii, 151. 8vo.

"This book," the preface begins, "is based upon the essay which won the Yorke Prize at Cambridge University in 1906" — a fact which is perhaps the keynote to its character. The work is not of the "exhaustive" type: the author's aim is rather to present broadly the general principles governing his subject, sketching with extreme brevity their history, discussing the extent of present